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February 27, 2014

**BY ECF**

Honorable Cheryl L. Pollak  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Antoine Hill v. Police Officer Kelley, et al., 13 CV 539 (WFK) (CLP)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendants. In that capacity, I write with the consent of plaintiff's counsel, Baree Fett, Esq., to respectfully request that the settlement conference scheduled for March 3, 2014, at 10:00 a.m., be adjourned until a later date convenient to the Court after March 31, 2014. In advance of the conference scheduled for March 3, 2014, defense counsel had been directed to obtain and produce the investigation file generated by the Internal Affairs Bureau ("IAB File") into the underlying incident, produce same to plaintiff's counsel and depose plaintiff so that the parties could engage in substantive settlement discussions before completing the remainder of discovery. The undersigned has obtained the IAB file, however, it took longer than anticipated as the file is more than 700 pages and contains 18 compact disks containing various interviews, statements from non-parties and video footage. Because I was unaware of the sheer size and complexity of the file with regard to the extent of multimedia it contained, my projection for obtaining same and being able to produce it to plaintiff's counsel was not practical. I apologize to the Court and plaintiff's counsel for any inconvenience.

Accordingly, the parties respectfully request that the settlement conference be adjourned until some time convenient to the Court after March 31, 2014, so that we may be able to properly analyze the IAB file, much of which consists of interviews with non-parties the undersigned had been unaware of, and adjust our respective settlement positions accordingly. Should the Court grant this request, the parties also submit that the deposition of plaintiff no

longer needs to take place in advance of the settlement conference because he provided a detailed enough statement to IAB for the undersigned to weigh his credibility in light of the additional evidence on the record. Additionally, by not taking plaintiff's deposition the parties will decrease their respective costs which may make the prospect of settlement more realistic.

As Your Honor is aware, trial in this matter is currently scheduled to begin on April 21, 2014, before the Honorable William F. Kuntz, United States District Judge. The parties will be making a joint application under separate cover requesting that the trial be adjourned until a later date convenient to Judge Kuntz as the scope of discovery is larger than we had anticipated. In that regard, the parties are in the process of coordinating amongst each other alternative dates for trial which would enable us sufficient time to complete discovery should we be unable to reach a settlement agreement. That application will be filed tomorrow once the parties are able to better ascertain viable alternative dates by factoring in the schedule of counsel, the parties and the Court.

In view of the foregoing, it is respectfully requested that the Court grant the within request. Thank you for your consideration.

Respectfully submitted,



Brian Francolla  
Senior Counsel  
Special Federal Litigation Division

cc: Baree Fett, Esq. (By ECF)  
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